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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 17555/2024 & CM APPLs. 74768/2024, 74769/2024

RASHID HUSSAIN

.....Petitioner

Through: Mr. Amit Srivastava, Advocate.

versus

MUNICIPAL CORPORATION  
OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Gupta and Mr. Sachin  
Singh, Advocates for MCD.

Mr. Jai Prakash, SPC for UOI.

Ms. Prabhsahay Kaur, SC for DDA  
with Mr. Bir Inder Singh and Ms.  
Kavya Shukla, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**  
**19.12.2024**

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1. The petitioner has approached this Court, under Article 226 of the Constitution, in respect of alleged illegal and unauthorised construction in property bearing No. R-877, Gali No. 7, Measuring 200 Sq. Yds. Khasra No. 225, Jogabai Village, situated at Zakir Nagar, Jogabai Extention, Jamia Nagar, New Delhi 110025, [“subject property”].

2. Mr. Mukesh Gupta, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has been identified as the property adjoining R-878/07, Jogabai Extention, Jamia Nagar, New Delhi 110025. Upon inspection of the property, unauthorised construction has been found in the shape of the stilt floor and the ground floor of the property. A show cause notice dated

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25.11.2024 has therefore been issued to the owners/occupants of the subject property, and an FIR has also been lodged on the same date. The utility service providers have been requested, by communication dated 02.12.2024, to disconnect the electricity and water supply. The aforesaid documents have been handed up in Court and are taken on record.

3. In view of the above submissions on behalf of MCD, learned counsel for the petitioner, does not seek any further orders in this writ petition, which stands disposed of, alongwith the pending applications.

4. The rights and contentions of any owners/occupants of the subject property are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

5. In the event the petitioner has any further grievance with regard to unauthorised construction, he is at liberty to approach the Special Task Force ["STF"], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal*



*Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and  
*Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C)  
12102/2024].

**PRATEEK JALAN, J**

**DECEMBER 19, 2024**  
SS/kb/